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RUEHBJ/AMEMBASSY BEIJING 5069
RUEHBY/AMEMBASSY CANBERRA 7863
RUEHUL/AMEMBASSY SEOUL 3816
RUEHKO/AMEMBASSY TOKYO 9966
RUEHWL/AMEMBASSY WELLINGTON 1922
RUEHCHI/AMCONSUL CHIANG MAI 4332
RHEFDIA/DIA WASHDC
RUEAIIA/CIA WASHINGTON DC
RHEHNSC/NSC WASHDC
RHHMUNA/CDR USPACOM HONOLULU HI
RUEKJCS/SECDEF WASHINGTON DC

C O N F I D E N T I A L SECTION 01 OF 03 BANGKOK 005593

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DEPT FOR EAP/MLS AND DRL

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TAGS: [PGOV](#) [PHUM PINR](#) [PREL](#) [PTER](#) [ASEC](#) [TH](#)

SUBJECT: THAI ARMY BARS SOUTHERN DETAINEES FROM RETURNING HOME

REF: A. BANGKOK 4201 (SOUTHERN HUMAN RIGHTS IMPROVEMENTS)

[1](#)B. BANGKOK 5435 (SOUTHERN RAID OPERATIONS)

[1](#)C. BANGKOK 5570 (CLIMATE OF FEAR)

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Classified By: Deputy Chief of Mission James F. Entwistle, reason 1.4 (b) and (d).

SUMMARY

[1](#)1. (C) Thai NGOs are concerned about a July 22 military order, based on martial law, that prohibits 384 named detainees from traveling to their homes in Thailand's insurgency-plagued southern provinces. Most of these detainees appear to be ethnic-Malay Muslims who have been compelled to participate in a "reeducation" vocational training program. Relatives of 97 detained individuals have filed a largely unprecedented legal challenge against the military's detention policies. NGOs speculate the Army is trying to eliminate support for insurgents by preventing these individuals from returning to the South. Embassy Bangkok joined human rights NGOs in monitoring the outcome of related court proceedings; October 30 rulings by the courts allowed the persons in question to leave Army facilities but did not address their ability to return to their homes. We will continue to encourage the RTG to ensure counterinsurgency efforts meet internationally-accepted human rights standards and do not prove counterproductive. End Summary.

ARMY RESTRICTS FREEDOM OF MOVEMENT

[1](#)2. (SBU) Citing martial law, the Royal Thai Army's 4th Army, in a July 22 order, barred 384 individuals currently detained from traveling to the southern provinces of Yala, Pattani, Narathiwat and Songkla for up to six months. These people appear to be suspected of taking part in or actively supporting Thailand's southern insurgency. The reason why these specific individuals were singled out in the order, and the process that was used to determine their connection to

the southern insurgency, remain unclear, although human rights NGOs allege ethnic-Malay Muslims have been targeted. Army officials have reportedly told detainees that if they return to the South they will be vulnerable to "brainwashing" by insurgents, whereas if they are forced to reside in other parts of the country, they "would learn how to integrate peacefully within Thai society."

13. (SBU) In June, Thai security forces arrested and detained these and approximately 300 other individuals in wide-spread "sweep" operations designed to combat the southern insurgency (reftel B). Following their arrest, the security forces detained these individuals under provisions of martial law and the emergency decree, which permits the security forces in the Southern provinces to hold individuals up to 37 days without charge. Although several detainees were formally charged, the majority were subsequently transferred from Southern detention facilities to military camps -- which government officials call "reeducation camps" -- in Ranong, Chumporn and Surat Thani provinces.

14. (C) The authorities state that detainees at these camps have participated in a four to six-month vocational training program, although human rights NGOs have claimed that detainees were threatened with prosecution for aiding the insurgency if they refused to "volunteer" for vocational training (reftel A). According to the International Commission of Jurists (ICJ), 303 of the individuals named in the Army order, including three minors under the age of 18, are currently detained in these military "reeducation" camps.

LEGAL BASIS FOR DETENTION

15. (C) According to the International Crisis Group (ICG), the Army has the power to restrict freedom of movement under both

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martial law as well as some provisions of the emergency decree, but has not previously exercised this power. Although the Army's order is dated July 22, representatives from Humans Rights Watch and the ICJ have told us on that they believe the order was back-dated. The Army seems to be trying to create a vacuum of support for insurgents by preventing detained individuals from promptly returning to their villages at the conclusion of their vocational training.

16. (SBU) Civil society and human rights NGOs have criticized the Army's detention policies and the Army travel restriction, calling them "arbitrary," "excessive," and "racist," as they claim individuals were barred for being ethnic-Malay Muslim. Human Rights First has questioned the legality of the Army's actions and demanded that the Thai government either charge suspected insurgents or release them from detention. Many of these NGOs have told us they fear that the detentions have had an adverse impact on the family members of detainees, many of whom now face the prospect of a prolonged absence of the family's primary bread-winner. Others worry that southern insurgents can use the Army's actions as a recruiting tactic as "300 families are getting angrier by the day."

DETAINEES CHALLENGE DETENTION IN COURT

17. (SBU) On October 5, the relatives of 97 detainees in the military's "reeducation" camps filed habeas corpus petitions in Surat Thani, Chumporn, and Ranong provincial courts challenging their detention. In court documents, detainees alleged they had been coerced into participating in the training program and refused permission to return to their homes. The Muslim Lawyers Association, a Thai legal-aid NGO, has provided legal assistance to the detainees, families, although NGO representatives have said that detainees

themselves have not been permitted access to legal counsel.

18. (C) Human rights NGOs monitoring the court proceedings have alleged that witnesses and detainees were openly threatened by the Army, that the proceedings were delayed, and that judges have not acted independently. In Ranong provincial court, an ICJ representative was physically threatened on October 18 by one witness (ironically, a representative of the National Human Rights Commission) who had testified in support of the government's program. NGOs have complained that Army representatives have visited detainees, relatives to urge them to withdraw their complaints, threatening that otherwise the Army would not release their family members. There have also been complaints that the detainees themselves have been receiving mixed and confusing messages from Army officials in the camps, often being urged to sign documents in exchange for a promise of imminent release, and at other times being told that they would not be permitted to return home even if a court ordered their release.

19. (C) According to the ICJ, these court proceedings are virtually unprecedented in Thai history for the number of individuals simultaneously challenging military detention. As a result of the threats made against witnesses, family members and observers, human rights NGOs requested that the diplomatic community send observers to the reading of the courts, verdict currently scheduled for the October 30. Embassy Bangkok sent political officers to witness the verdict readings in Chumporn and Surat Thani provincial courts. The courts ruled that the detainees who petitioned for their freedom could leave the Army's facility. The rulings did not address the legitimacy of the Army's order preventing these people from returning to their homes. (Septel will provide further information on the rulings.)

COMMENT

110. (C) The timing of the Army order is such that it roughly coincides with the release dates for the first group of

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detainees captured in June during the security forces' "sweep operations" and forced to undergo vocational training. It is likely that, at least in part, the Army is seeking to buy time as it realizes that those forced into vocational training camps will return to the South feeling more aggrieved by the government tactics, and more likely to sympathize with the militants. We will continue to work closely with human rights organizations to monitor the situation and we will continue to encourage government officials to ensure their counterinsurgency efforts meet internationally-accepted human rights standards.

BOYCE